

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

OSBALDO JOSE-NICOLAS,

Plaintiff,

v.

NATHAN BERRY, et al.,

Defendants.

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Case No. 15-cv-964-NJR-DGW

MOTION TO VACATE SETTLEMENT CONFERENCE

Defendants, NATHAN BERRY, JASON HART, ROBERT HUGHES, AIMEE LANG, MATTHEW PURDOM, WILLIAM QUALLS, and JUSTIN SNELL, by and through their attorney, Lisa Madigan, Attorney General of the State of Illinois, hereby move to vacate the settlement conference setting, stating as follows:

1. On May 24, 2018, the Court reset this matter for jury trial to begin on August 14, 2018. (Doc. 172.) In the same order, the Court instructed the parties to contact Magistrate Judge Wilkerson's chambers to schedule a settlement conference. *Id.* After consulting with counsel for the parties, Magistrate Judge Wilkerson scheduled the settlement conference for June 27, 2018, at 9:00 a.m. (Doc. 176.)

2. Defendants now move to vacate the settlement conference setting as Defendants do not believe the settlement conference will be fruitful. Defendants have provided a settlement offer to Plaintiff and do not foresee offering any additional relief beyond this offer.

3. The undersigned contacted Plaintiff's counsel concerning this offer and Defendants intent to request that the settlement conference be cancelled. Plaintiff's counsel indicated that Defendants' request is untimely and also indicated that she intends to file a motion or response seeking relief.

WHEREFORE, for the above and foregoing reasons, Defendants respectfully request this honorable Court grant their Motion and vacate the settlement conference setting.

Respectfully submitted,

NATHAN BERRY, JASON HART, ROBERT
HUGHES, AIMEE LANG, MATTHEW PURDOM,
WILLIAM QUALLS, and JUSTIN SNELL,

Defendants,

LISA MADIGAN, Illinois Attorney General,

Attorney for Defendants,

By: s/Jeremy C. Tyrrell
Jeremy C. Tyrrell
Assistant Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2018, I electronically filed *Motion to Vacate Settlement Conference*, with the Clerk of the Court using the CM/ECF system, which will send notification of same to the following:

Arthur Loevy: loevylaw@loevy.com
Jon Loevy: jon@loevy.com
Sarah Grady: sarah@loevy.com
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Julie M. Goodwin: julie@loevy.com

Respectfully submitted,

LISA MADIGAN, Attorney General,
State of Illinois,

s/Jeremy C. Tyrrell
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